



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

**Robbery.**—In a robbery prosecution, evidence to convict held not sufficient.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 954.]

**3. Robbery (§ 1\*)—Defined "Taking."**—Robbery is the "taking," with the intent to deprive the owner permanently, of personal property, from his person or in his presence, against his will, by violence or intimidation, and the taking must be the securing dominion or absolute control of the property, though the absolute dominion be only momentary.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 952.]

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Robbery; Taking (In Larceny).]

Error to Circuit Court, Chesterfield County.

One Green was convicted of robbery, and he brings error. Reversed and remanded for new trial.

---

GIBSON et al. *v.* COMMONWEALTH.

June 15, 1922.

[112 S. E. 563.]

**1. Criminal Law (§ 1129 (3)\*)—General Assignment Court Erred in Instructions Is Insufficient.**—On writ of error to review a conviction, an assignment that the court erred in its instructions to the jury, as would be pointed out in the brief, but without any brief or oral argument to point out the error, was clearly insufficient, under Code 1919, § 6346, and Supreme Court Appeals rule 2 (94 S. E. vi).

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 546.]

**2. Criminal Law (§ 1172 (8)\*)—Error in Instructions Held Harmless, Where Guilt Was Clear and Minimum Sentence Was Given.**—Where no verdict except that of guilty could properly have been found under the evidence, and the minimum sentence was imposed, any error in the instructions would be harmless.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 532.]

Error to Corporation Court of Charlottesville.

W. H. Gibson and others were convicted of transporting ardent spirits contrary to law, and they bring error. Affirmed.

---

JUNIPER LUMBER CO. *v.* JOHN M. NELSON, JR., Inc.

June 15, 1922.

[112 S. E. 564.]

**1. Contracts (§ 274\*)—Upon Cancellation by Mutual Agreement Right to Sue for Previous Breaches Held Not Reserved.**—Where plaintiff agreed to the cancellation of a contract between it and defendant without expressing any intent to reserve the right to sue for previ-

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.